

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Case No. 3:24-CV-00137-RJC-DCK**

CMT USA, INC. and CMT UTENSILI S.P.A.,

Plaintiffs,

v.

APEX TOOL GROUP LLC and APEX
BRANDS, INC.

Defendants.

**MOTION TO COMPEL
DEFENDANTS TO PRODUCE
THIRD-PARTY
COMMUNICATIONS**

NOW COME Plaintiffs CMT USA, Inc. and CMT Utensili S.p.A. (“Plaintiffs”), through counsel and pursuant to Federal Rule of Civil Procedure 37(a)(1), and respectfully move this Court for an Order compelling Defendants Apex Tool Group LLC and Apex Brands, Inc. (collectively “Apex” or “Defendants”) to produce (i) all communications between Apex’s law firm Lewis Roca Rothgerber Christie LLP (“Lewis Roca”) and third-party Marksmen Brand Protection (“Marksmen”), along with all related documents and (ii) all communications between Apex and/or Lewis Roca and third-party saw blade manufacturers, along with all related documents.

As set forth in more detail in the memorandum filed in support of this motion, the requested communications and materials are responsive to discovery requests served by Plaintiffs, are relevant to the claims and defenses in this action, and are not subject to work-product protections. As set forth in the accompanying memorandum, Plaintiffs’ counsel attempted to resolve these issues through emails, letters, and videoconferences, but Apex’s continued refusal to produce the relevant and responsive documents has made this motion necessary.

WHEREFORE, Plaintiffs respectfully request that this Court:

1. Grant this motion and enter an Order compelling Apex to produce (i) all communications between Lewis Roca and Marksmen, along with all related documents and (ii) all communications between Apex and/or Lewis Roca and third-party saw blade manufacturers, along with all related documents; and
2. Grant such other relief as the Court deems proper, including, if appropriate, an award of Plaintiffs' reasonable attorneys' fees incurred in bringing this motion.

Respectfully submitted, this 31st day of October 2024.

/s/ Joshua B. Durham

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CERTIFICATE OF SERVICE

I certify that on October 31, 2024, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system. Service of same on any counsel of record will be accomplished through the Court's electronic filing system in accordance with F.R.C.P. 5(b)(2)(E).

/s/ Joshua B. Durham